

REMARKS SECTION

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Reconsideration and reexamination is respectfully requested.

Claims 1-7 have been amended to remove the allowed subject matter in the parent application from the instant application. New claims 11-16 have been submitted for the Examiners consideration and contain other aspects of claims 1-3 which were also not included in the allowed claims of the parent application.

Claims 8 and 9 were rejected under Section 112, first paragraph. Claim 8 has been cancelled and claim 9 has been amended. Therefore, withdrawal of the Section 112 rejection against claims 8 and 9 is respectfully requested.

Claims 1 and 7 were rejected under Section 102(e) as being anticipated by Dent et al. While claims 1 and 7 have been amended to exclude the allowed subject matter from the parent application, it is respectfully pointed out that Dent et al. does not disclose the compound as suggested in the Office Action. In Dent et al., column 1, lines 25-30 discusses the "BACKGROUND OF THE INVENTION" for that patent and does not discuss the compound. Also, column 4, lines 1-37 does not disclose the compound. Two compounds are mentioned as SL327 and SW073 and were also mentioned in claim 4, however, the structure of the compound is not disclosed. The Office Action further cites 133:344610, however, a printout from STN in 2004 does not constitute prior art under 102(e). Therefore, withdrawal of the Section 102(e) rejection is respectfully requested.

Claims 8 and 9 were rejected under Section 103 as being unpatentable over Dent et al based on the 102(e) date. Claim 8 has been cancelled and claim 9 has been amended. However, there is no teaching within Dent et al. that the compounds of the present invention would be useful in the treatment of diseases. Therefore, withdrawal of the Section 103 rejection is respectfully requested.

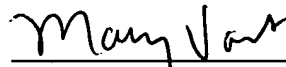
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Claims 1-7, and 9-10 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of US 6,703,420. The instant application is a divisional application of the US 6,703,420. The claims have been amended to remove the allowed subject matter from US 6,703,420. Therefore, a rejection for the instant claims using US 6,703,420 as a reference is not proper under obviousness-type double patenting, Section 102 or Section 103. Therefore, withdrawal of these rejections is respectfully requested.

The application is now believed to be in condition for allowance and notification thereof is respectfully requested.

Respectfully submitted,

Date: September 16, 2004



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